IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

-

WRIT PETITION NO : 16231 of 2000

Between:

1 G.Shankar Reddy, S/o.G.Gurivi Reddy,
R/o.Chilakalakatta Palle, H/o.Agraharam Village,
Bukkapatnam Mandal, Anantapur District.
2 G.Lakshmi Reddy, S/o.G.Gurivi Reddy,
R/o.Chilakalakatta Palle, H/o.Agraharam Village,
Bukkapatnam Mandal, Anantapur District.

..... PETITIONERS

AND

1 Divisional Engineer, A.P. Transco Limited,
Hindupur, Anantapur District.
2 Mandal Revenue Officer,
Bukkapatnam, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, direction or order, particularly one in the nature of Mandamus declaring the action of the first respondent in removing the service connection to the bore well in Survey No.613-5 in Agraharam Village, Bukkapatnam Mandal, Anantapur District and consequently direct the first respondent to restore the said service connection.

Counsel for Petitioners: MR. R.V.SUBBA RAO

Counsel for Respondent No.1: MR. K.N.JWALA

Counsel for Respondent No.2: GOVERNMENT PLEADER FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed seeking a Writ of Mandamus in disconnecting the power supply to the Service Connection of the petitioners to their bore well in the land in Survey No.613-5 in Agraharam Village of Bukkapatnam Mandal in Anantapur District.

It is the case of the petitioners that the land to the extent of Ac.5-15 cents in Survey No.613-5 of Agraharam Village, Bukkapatnam Mandal, Anantapur District, was originally assigned to one G.Chandrudu in the year 1956. Subsequently, as the said assignee had violated the conditions of D-Form Patta, assignment was cancelled by the Mandal Revenue Officer, Bukkapatnam on 22-10-1991. Out of the said land, land to the extent of Ac.2-00 and Ac.2-15 cents was re-assigned to the petitioners 1 and 2 respectively. Subsequently, one Erra Jennappa, claiming to be the son of the original assignee, carried the matter in appeal before the Divisional Revenue Officer, Penukonda and the said appeal was allowed on 18-03-1998. Aggrieved by the said order, the petitioners have carried the matter in revision before the Joint Collector-cum-Additional District Magistrate, Anantapur. Their revision was allowed by order dated 06-07-1998. But, however, it is the case of the petitioners that at the instance of the local M.L.A, the power supply to the bore well in their land was disconnected without issuing any notice.

This Court, by order dated 05-09-2000 in W.P.M.P.No.20642 of 2000, granted interim orders for restoration of service connection of the bore well in Survey No.613/5 in Agraharam Village, Bukkapatnam Mandal, Anantapur District and the said interim orders continued all along.

No counter affidavit is filed on behalf of respondents.

In any event of the matter, it is the specific case of the petitioners that no notice was issued to them by the respondents and abruptly power supply was disconnected to their bore well.

As much as interim orders are passed for restoration of power supply as early as on 05-09-2000 and all along the said orders are continued and further, no counter

affidavit is filed disputing the averments made in the affidavit filed in support of the writ petition, taking into account the allegation of the petitioners that without due notice, disconnection was ordered, I dispose of the writ petition directing the respondents to continue power supply to the bore well of the petitioners, which was restored pursuant to the interim orders of this Court dated 05-09-2000 in W.P.M.P.No.20642 of 2000. However, if there is any violation of terms and conditions or any of the provisions of the Electricity (Supply) Act, 1948, it is open for the respondents to issue notice to the petitioners and take appropriate steps.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

_____

R.SUBHASH REDDY, J

21st June, 2005.

Ak

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Divisional Engineer, A.P. Transco Limited, Hindupur,

Anantapur District.

2. The Mandal Revenue Officer, Bukkapatnam Mandal,

Anantapur District.

3. Two CCs to the Government Pleader for Revenue, High Court

Buildings, Hyderabad (O.U.T).

4. Two CD copies.